

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

ROBERT ZENAS WHIPPLE, III,

Plaintiff,

v.

DERRICK SCHOFIELD, et al.,

Defendants.

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No. 1-13-00109  
Senior Judge Haynes

**O R D E R**

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 404) to deny Plaintiff's motion for leave to amend complaint to replace references to John Doe (Docket Entry No. 333). Plaintiff filed an objection (Docket Entry No. 417).


The Magistrate Judge noted that the record reflects that the Court previously denied as futile motions to amend by Plaintiff seeking identical relief to that sought by the present motion. See Docket Entry Nos. 210 and 389. The Magistrate Judge concluded that in light of the Court's earlier denial of similar motions that constitutes the law of the case Plaintiff's renewed motion for leave to amend should be denied.

In his objection, Plaintiff asserts that leave to amend should be granted freely and that "he was unsure how to respond and again ascribes any mistakes to his lack of legal training." (Docket Entry No. 417 at 2). Plaintiff also asserts that to prevent any delay "Plaintiff will forego any additional discovery as for the new defendants, and that answers already filed should be sufficient." Id.

After de novo review, the Report and Recommendation is **ADOPTED**. Plaintiff's motion for leave to amend complaint to replace references to John Doe (Docket Entry No. 333) is **DENIED**.

It is so **ORDERED**.

**ENTERED** this the 28<sup>th</sup> day of February, 2016.

  
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WILLIAM J. HAYNES, JR.  
Senior United States District Judge